UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FEDERAL INSURANCE COMPANY,

Plaintiff(s),

— against —

AMERICAN HOME ASSURANCE COMPANY AND NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA,

Defendant(s).

NOTICE OF INITIAL CONFERENCE

07 Civ. 6422 (VM)

VICTOR MARRERO, United States District Judge.

Counsel for all parties are directed to appear before the Honorable Victor Marrero for an initial case management conference, in accordance with Rule 16 of the Federal Rules of Civil Procedure on November 30, 2007 at 2:15 p.m. in Courtroom 20B at the United States Courthouse, 500 Pearl Street, New York, New York. **COUNSEL FOR PLAINTIFF IS DIRECTED TO IMMEDIATELY SEND A COPY OF THIS NOTICE TO ALL PARTIES.** Principal trial counsel must appear at this and all subsequent conferences.

The parties are directed to submit a joint letter five business days prior to the conference addressing the following in separate paragraphs: (1) a brief description of the case, including the factual and legal bases for the claim(s) and defense(s); (2) any contemplated motions; (3) the prospect for settlement; and (4) whether the parties consent to proceed for all purposes before the Magistrate Judge designated for this action.

The parties are directed to bring a completed Case Management Plan (form enclosed) to the conference. The Case Management Plan must provide that discovery is to be completed within four months unless otherwise permitted by the Court.

Counsel are directed to review Judge Marrero's Individual Rules. The Rules may be obtained at the Clerk's/Cashier's Office on the first floor of the United States Courthouse, 500 Pearl Street, New York, New York, or by visiting the Court's internet site at www.nysd.uscourts.gov. **Requests for adjournment of the conference will be considered only if made in writing and otherwise in accordance with Judge Marrero's Rules.**

Dated: October 3, 2007
~~New York~~, New York

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DATE FILED: 10-3-07

VICTOR MARRERO
U.S.D.J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

---X

Plaintiff(s),

- against -

Defendant(s).

---X

_____ Civ. _______ (VM)

CIVIL CASE MANAGEMENT PLAN AND SCHEDULING ORDER

This Scheduling Order and Case Management Plan is adopted in accordance with Fed. R. Civ. P. 16-26(f).

1. This case (is)(is not) to be tried to a jury: [circle one]

2. Joinder of additional parties to be accomplished by _________________.

3. Amended pleadings may be filed without leave of the Court until ______________________.

4. Initial disclosure pursuant to Fed. R. Civ. P. 26(a)(1) to be completed within fourteen (14) days of the date of the parties' conference pursuant to Rule 26(f), specifically by not later than ____________________________.

5. All fact discovery is to be completed either:

   a. Within one hundred twenty (120) days of the date of this Order, specifically by not later than ____________________________; or

   b. Within a period exceeding 120 days, with the Court's approval, if the case presents unique complexities or other exceptional circumstances, specifically by not later than ______________.

6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties are certain that they can still meet the discovery completion date ordered by the Court.

   a. Initial requests for production of documents to be served by ____________________________.

   b. Interrogatories to be served by all party by ____.

   c. Depositions to be completed by ____.

      i. Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production.

      ii. Depositions of all parties shall proceed during the same time.

      iii. Unless the parties agree or the Court so orders, non-party depositions shall follow party depositions when possible.

   d. Any additional contemplated discovery activities and the anticipated completion date:

   ____

____

e. Requests to Admit to be served no later than ______________________.

7. All expert discovery (ordinarily conducted following the completion of fact discovery) including parties' expert reports and depositions, witness lists and identification of documents pursuant to Fed. R. Civ. P. 26(a)(2), (3) and 35(b), is to be completed by:

a. Plaintiff ______________________________________.

b. Defendant ______________________________________.

8. Contemplated motions:

a. Plaintiff: ______________________________________

b. Defendant: ______________________________________

9. Following all discovery, all counsel must meet for at least one hour to discuss settlement, such conference to be held by not later than ______________________________.

10. Do all parties consent to trial by a Magistrate Judge under 28 U.S.C. § 636(c)?

Yes __________ No __________

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TO BE COMPLETED BY THE COURT:

11. The next Case Management Conference is scheduled for ______________________.

In the event the case is to proceed to trial, a firm trial date and the deadline for submission of the Joint Pretrial Order and related documents shall be scheduled at the pretrial conference following either the completion of all discovery or the Court's ruling on any dispositive motion.

The Joint Pretrial Order should be prepared in accordance with Judge Marrero's Individual Practices. If this action is to be tried before a jury, proposed voir dire and jury instructions shall be filed with the Joint Pretrial Order. No motion for summary judgment shall be served after the deadline fixed for the Joint Pretrial Order.

SO ORDERED:

DATED: New York, New York

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VICTOR MARRERO
U.S.D.J.